

United States District Court
District of Massachusetts
Central Division

_____)	
DONALD J. RICHARD,)	
Plaintiff,)	
)	
v.)	Civil Action No.
)	04-40066-NMG
INDUSTRIAL COMMERCIAL ELECTRICAL)	
CORPORATION,)	
Defendant.)	
_____)	

ORDER

Gorton, J.

The Plaintiff, Donald J. Richard, has filed a verified Complaint with a request for a Temporary Restraining Order, and after notice and a hearing the Court finds that the Plaintiff has demonstrated that without the relief hereby allowed he would suffer irreparable harm that is not capable of remediation by a final judgment in law or equity. The Court concludes that, after consideration of that fact, the risk of irreparable harm to the Plaintiff in the absence of a restraining order outweighs the probable harm to the Defendant, Industrial Commercial Electrical Corporation ("ICE") by the entry of such an order. Accordingly, ICE is hereby ordered:

1) to maintain the status quo with respect to the Plaintiff's coverage under ICE's health insurance plan; and

2) to take no action which would interfere with or jeopardize the right of the Plaintiff to make an election under the Consolidated Omnibus Budget Reconciliation Act, 19 U.S.C. § 1161 et seq. to have continuing family coverage under the Defendant's health insurance plan.

For good cause, the Plaintiff is not required to post security. This Order is to remain in full force and effect until the further hearing on this matter scheduled for Monday, May 24, 2004 at 3:00 P.M. or in the event that hearing does not occur, until further order of the Court.

So ordered.

/s/ Nathaniel M. Gorton
Nathaniel M. Gorton
United States District Judge

Dated: May 10, 2004